

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

ARTEM V. GELIS, BHAWAR PATEL,  
ROBERT MCDONALD, JAMES V. OLSON,  
GREGORY HEYMAN, SUSAN HEYMAN,  
DEBRA P. WARD, DARRIAN STOVALL,  
ALEX MARTINEZ, AMANDA GOREY,  
CHRIS WILLIAMS, ASHOK PATEL,  
KENNETH GAGNON, MICHAEL CERNY,  
ERHAN ARAT, ANDRE MALSKE, CRAIG  
LASH, NICOLE GUY, DAVID  
RICHARDSON, KAREN HENDERSON and  
ERIC T. ZINN,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

Civil Action No. 17-cv-7386 WHW-CLW

BAYERISCHE MOTOREN WERKE  
AKTIENGESELLSCHAFT AND BMW  
OF NORTH AMERICA, LLC.,

Defendants.

**PLAINTIFFS' NOTICE OF MOTION FOR AWARD OF ATTORNEYS' FEES AND  
EXPENSES AND CLASS REPRESENTATIVES SERVICE PAYMENTS**

**PLEASE TAKE NOTICE** that pursuant to this Court's September 9, 2020 Preliminary Approval Order, on February 16, 2021 at 11:00 a.m., or as soon thereafter as the Court shall direct, Representative Plaintiffs, Artem V. Gelis, Bhawar Patel, Robert McDonald, James V. Olson, Gregory Heyman, Susan Heyman, Debra P. Ward, Darrian Stovall, Alex Martinez, Amanda Gorey, Chris Williams, Ashok Patel, Kenneth Gagnon, Michael Cerny, Maria Meza, Andre Malske, Nicole Guy, David Richardson, Stacey Turner and Eric T. Zinn (hereinafter collectively "Plaintiffs") will move pursuant to Federal Rule of Civil Procedure 23(h)and the terms of the Settlement Agreement before the Honorable Cathy L. Waldor, U.S.M.J., for an order awarding

attorneys' fees and reimbursement of expenses to Plaintiffs' counsel in an agreed upon amount between \$1,500,000.00 and \$3,700,000.00 and Class Representative Service Payments in the amount of \$1,000 each for each of the Plaintiffs.

In support Plaintiffs will rely upon Plaintiffs' Brief in Support of Motion for Attorneys' Fees and Expenses and Class Representative Service Payments, and the Joint Declaration of Gary S. Graifman, Thomas P. Sobran and Bruce H. Nagel in Support of Approval of Class Action Settlement and Award of Attorneys' Fees and Reimbursement of Expenses with attachments. A proposed Final Approval Order is submitted herewith.

Respectfully submitted this 8<sup>th</sup> day of December, 2020.

**KANTROWITZ, GOLDHAMER &  
GRAIFMAN, P.C.**

/s/ Gary S. Graifman

Gary S. Graifman, Esq.  
210 Summit Avenue  
Montvale, New Jersey 07645  
Telephone: (201) 391-7000

**THOMAS P. SOBRAN, P.C.**  
Thomas P. Sobran (*pro hac vice*)  
7 Evergreen Lane  
Hingham, MA 02043  
Telephone: (781) 741-6075

**NAGEL RICE, LLP**  
Bruce H. Nagel, Esq.  
Randee M. Matloff, Esq.  
103 Eisenhower Parkway  
Roseland, NJ 07068  
Telephone: (973) 618-0400 (ext. 119)

***Class Counsel for Conditionally Certified  
Class***